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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-sixth session
Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Mr. Bengoa, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mr. Fix Zamudio, Mrs. Forero Ucros, Mr. Guissé, Mrs. Gwanmesia, Mr. Hakim, Mr. Hatano, Mr. Joinet, Mr. Khalil, Mr. Khan, Mrs. Koufa, Mr. Maxim, Ms. Palley and Mr. Yimer: draft resolution

Situation in Burundi

The Sub-Commission on Prevention of Discrimination and the Protection of Minorities,

Guided by the principles embodied in the Charter of the United Nations, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural rights,

Reaffirming that all Member States have the right and duty to promote and protect human rights and to discharge the obligations set out in the various applicable instruments,

Emphasizing that Burundi is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Recalling the Commission on Human Rights resolution 1994/86 of 9 March 1994,

Regretting the adverse effects of local mass media reports which foster racial hatred and violence,

Having examined with interest the comments of the Human Rights Committee at its fifty-first session (CCPR/C/79/Add.41),

Very concerned by the persistence of flagrant, systematic violations of human rights since the attempted coup d'etat on 21 October 1993, in particular the summary or extrajudicial executions carried out on a massive scale by the armed forces, the police, the gendarmerie and uncontrolled armed elements,

Noting the impunity enjoyed by those responsible for these executions, particularly because of the deterioration of the judicial system,

Seriously concerned by forcible transfers of people and the massive exodus of people from Burundi beyond the frontiers, causing the loss of cultural values and risking major nutritional problems,

Emphasizing the need to reinforce preventive measures to halt the deterioration of the situation, where this is still possible,

1. Encourages the efforts of the High Commissioner for Human Rights, the Centre for Human Rights and non-governmental organizations to accelerate the establishment of a programme of assistance in Burundi in order that the current situation of massive violations of human rights does not prevent the application of preventive measures to halt the deterioration of the situation;

2. Welcomes the conclusion of the Human Rights Committee in which it stated that it was ready to respond constructively to any appropriate request for assistance made by the Government of Burundi, provided that it is clear and accompanied by a firm resolve on the part of the Government to adopt the measures necessary for the effective implementation of the Covenant (CCPR/C/79/Add.41, para. 18);

3. Places all its facilities at the disposal of the Centre for Human Rights;

4. Expresses the fear that the prevailing situation of massive human rights violations in Burundi could impede the implementation of the measures of assistance;

5. Urges the authorities of Burundi to make fully effective all measures necessary to carry out an inquiry into summary and arbitrary executions, to punish those responsible, to disarm the population and to repress all forms of encouragement of racial hatred and to plan the establishment of an independent multi-party commission to make recommendations for the application of these measures;

6. Calls on the Committee for the Elimination of Racial Discrimination to watch the situation in Burundi with special attention and to undertake a mission to the country in preparation for its contribution to technical assistance programmes, with a view to preventing such discrimination;

7. Also calls on the Special Representative of the Secretary-General for Burundi, the High Commissioner for Human Rights, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Commission on Human Rights to invite the competent authorities to strengthen their surveillance of the human rights situation in Burundi, sending out observers with a view to preventing any re-emergence of violence.